



Entered on Docket
November 25, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

WILDE & ASSOCIATES

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and

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America's Servicing Company

09-76277

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Vincent L. Strauss

Debtor.

BK-08-11113-LBR

Date: 10/28/2009

Time: 10:00am

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to Secured Creditor America's Servicing Company, its assignees and/or successors in interest, of the subject property, generally described as 1938 Dry Falls Street, Las Vegas, NV 89142, and legally described as follows:

ALL THAT PARCEL OF LAND IN CLARK COUNTY, STATE OF NEVADA, AS MORE FULLY DESCRIBED IN DEED BOOK 200207313889, ID# 161-03-313-019, BEING KNOWN AND DESIGNATED AS LOT 40 OF LEWIS HOMES - SUNRISE VALLEY 8-B, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 40 OF PLATS, PAGE 61, AND AMENDED BY CERTIFICATE OF AMENDMENT RECORDED JUNE 6, 1990 IN BOOK 900606 AS INSTRUMENT NO. 00629 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

IT IS FURTHER ORDERED that in the event a Notice of Default was recorded against this particular property prior to July 1, 2009, the Debtor(s) can promptly submit a copy of this Order to the State of Nevada, Foreclosure Mediation Program and the Order will be construed as an agreement between the Secured Creditor and Debtor(s) that they have voluntarily agreed to a mediation under the Nevada State Foreclosure Mediation Program pursuant to Rule 6 of said program. The necessary information can be accessed at <http://www.nevadajudiciary.us/>.

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1 IT IS FURTHER ORDERED there shall be no foreclosure sale held prior to December 28, 2009.

2
3 DATED this ____ day of _____, 2009.

4 Submitted by:

5 **WILDE & ASSOCIATES**

6 By 

7 **GREGORY L. WILDE, ESQ.**

8 Attorney for Secured Creditor

9 208 South Jones Boulevard

Las Vegas, Nevada 89107

10 APPROVED / DISAPPROVED

11 _____
12 Elizabeth R. Deflyer

1020 Garces Ave.

13 Las Vegas, NV 89101

Attorney for Debtor(s)

14
15 APPROVED / DISAPPROVED

16 _____
17 Kathleen A. Leavitt

201 Las Vegas Blvd. So., #200

18 Las Vegas, NV 89101

Chapter 13 Trustee

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1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor